

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:15-00067

TRAVIS LEONARD SUMPTER

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On October 25, 2017, the United States of America appeared by Timothy D. Boggess, Assistant United States Attorney, and the defendant, Travis Leonard Sumpter, appeared in person and by his counsel, Rhett H. Johnson, Assistant Federal Public Defender, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Patrick M. Fidler. The defendant commenced a three-year term of supervised release in this action on May 11, 2016, as more fully set forth in the Judgment Including Sentence Under the Sentencing Reform Act entered by the court on January 14, 2016.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant failed to refrain from the excessive use of alcohol and refrain from the unlawful use of a controlled substance inasmuch as on June 13, 2016, he was found by law enforcement officers lying face down in the parking lot near his apartment building virtually unclothed, it appearing to the officers that he was under the influence of alcohol and possibly other drugs; (2) the defendant used and possessed controlled substances as evidenced by a positive urine specimen submitted by him on June 29, 2016, for cocaine, the defendant having admitted to the probation officer that he used both substances four or five days prior; a positive urine specimen submitted by him on August 3, 2016, for cocaine, the defendant having admitted to the probation officer that he used cocaine base one to two weeks prior; a positive urine specimen submitted by him on September 9, 2016, for methamphetamine; a positive urine specimen submitted by him on October 3, 2016, for cocaine, the defendant having admitted to the probation officer that he used cocaine on October 1, 2016; a positive urine specimen submitted by him on March 1, 2017, for cocaine, the defendant having admitted to the probation officer

that he used cocaine base approximately four or five days prior; and a positive urine specimen submitted by him on April 11, 2017, for marijuana, the defendant having admitted to the probation officer that he used marijuana approximately three or four days prior; (3) the defendant failed to appear, as more fully set forth in Violation No. 2, for urine screens, individual substance abuse counseling and intensive outpatient substance abuse group sessions as directed by the probation officer; and (4) the defendant committed the state and local offense of domestic battery as evidenced by his plea of guilty in Kanawha County Magistrate Court on July 27, 2017, for which he received a sentence of 30 days imprisonment; all as admitted by the defendant on the record of the hearing and all as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously imposed upon the defendant in this action be, and it hereby is, revoked.

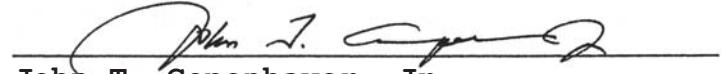
And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of EIGHT (8) MONTHS, to be followed by a term of twenty-eight (28) months of supervised release upon the standard conditions of supervised release now in effect in this district as promulgated by the Administrative Office of the United States Courts (National Form AO 245B), the standard conditions as set forth in Local Rule 32.3 and the special condition that he spend a period of six (6) months in a community confinement center where he shall follow the rules and regulations of the facility, and participate in drug abuse counseling and treatment as directed by the facility and the probation officer.

The defendant was remanded to the custody of the United States Marshal.

Recommendation: The court recommends that the defendant not be incarcerated at FCI McDowell.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: October 30, 2017



John T. Copenhaver, Jr.
United States District Judge